

**Patent Technology Centers****Facsimile Transmission**

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Fax Notes:

Mr. Herbert,

This took a little longer than I wanted. The prior art deeper than I first thought. I think this has a shot, pending further patentability determination. On the plus side, it does give good practical coverage for PEG diacylate, which appears to be the preferred embodiment. Please let me know of your thoughts at your earliest convenience. Thank you.

John Pak
Primary Examiner

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Application/Control Number: 10/616,055
Art Unit: 1616

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Claim Amendment for Discussion – Draft Copy

Claim 1. (Currently amended) A medical implant to seal a lumen or surgically created void in a body of a patient comprising:

a pharmaceutically acceptable covalently crosslinked hydrogel polymerized from at least one poly(ethylene glycol) diacrylate macromer,

the hydrogel having a substantially less than equilibrium level of hydration for undergoing a volumetric expansion of at least about 100% after swelling with physiological fluid and having a size and a swellability to press against tissue surrounding the lumen or void upon swelling from exposure to a physiological fluid from the body,

wherein the hydrogel, at the substantially less than equilibrium level of hydration, has a shape selected from the group consisting of a rod, a sphere, a block, a sheet, a tube, and a sheet rolled from one edge to another to form a roll, and the hydrogel has dimensions to pass through a tube having an inner diameter of no more than about 1.5 mm.

Delete extraneous claims if above claim is entered – e.g., claims 5-10, 12, 14-19, 24-36, 53-72.

Amend independent claim 41 similarly as claim 1. Delete extraneous dependent claims similar as above.

Reserved – amend all remaining claims to conform to above and to further clarify language, accuracy, dependency, etc.

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